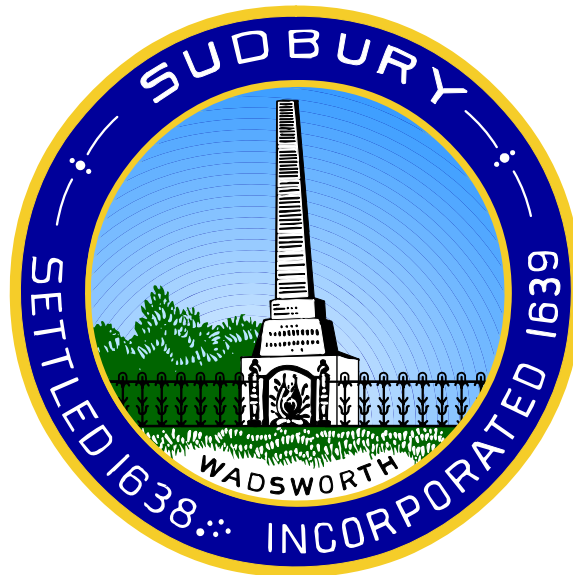


TOWN OF SUDBURY

Cemetery Rules & Regulations



Note: Original rules and regulations are in black typeface, revisions are in blue typeface, and sections to be removed are struck through.

Adopted: Annual Town Meeting, 1977, Article 22
Amended: Board of Selectmen: _____, 2007

**Town of Sudbury
Department of Public Works
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Sudbury Massachusetts 01776**

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After hours phone number: [Need to add](#)

Cemetery Locations

Mt Pleasant Cemetery	Concord Road
New North Cemetery	Pantry Road
New Town Cemetery	Concord Road
Old North Cemetery	Pantry Road
Old Town Cemetery	Concord Road
Revolutionary Cemetery	Concord Road
Wadsworth Cemetery	Concord Road

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I. PURPOSE

It is the expressed intent and purpose of these rules and regulations to preserve and protect that land dedicated within the Town of Sudbury for cemetery purposes in order to insure its proper administration and perpetual care for the ultimate benefit of the public good.

II. GENERAL

The Town of Sudbury, through its citizens, has recognized and provided for the future care of its departed citizens through the dedication of appropriate resting places, and now provides a system of rules and regulations. Oversight of the cemeteries comes under the supervision of the Director of the Department of Public Works through the Cemetery/Tree Division. Said Division shall be responsible for the implementation and enforcement of the rules and regulations affecting the cemeteries properties and grounds, the rights of proprietors and the conduct of visitors therein.

All Cemeteries are open to the public daily from 7:00 a.m. until dusk or 8:00 p.m., whichever is earlier, weather permitting. The Cemeteries are closed outside of these hours.

III. DEFINITIONS

1. "Selectmen", the Board of Selectmen of the Town of Sudbury.
2. "Board of Health", the Board of Health of the Town of Sudbury.
3. "Director of Public Works", Manager of Department of Public Works of the Town of Sudbury, and person with authority to sign lot deeds for the Town of Sudbury.
4. "Family", a person's spouse, parent, child, sibling, grandparent, step child, parent in-law or grandchild,
5. "Resident", a person who is domiciled in the Town of Sudbury
6. ~~"Grave", a burial site sufficient for the interment of one person.~~
"Grave", a space of sufficient size to accommodate one full size interment and/or up to six cremated remains.
7. "Lot", a burial site of one or more graves transferred on a single deed.
8. "Interment", the permanent disposition of the remains of a deceased person by burial.
9. "Deed", the original conveyance document given by the Cemetery Division to the original purchaser.
10. "Monument", a memorial (usually of granite or marble) at the head of a lot which shall extend above the surface of the ground, with dimensions no greater than 3 foot high and 4 feet wide.
11. "Marker", a memorial flush with the ground usually located at the foot of a particular grave.

IV. POWERS AND DUTIES

1. The Board of Selectmen shall have all of the powers and duties over public cemeteries as authorized by the law and these rules and regulations. The Board of Selectmen may review and amend these rules and regulations periodically and adopt changes, deletions and/or additions without further submission to Town meeting for approval.
2. The Board of Selectmen as authorized by charter, appoints the Town Manager who shall have all the powers and duties related to the operation of the cemeteries and shall appoint such persons as necessary to assume the responsibilities of the day to day functions within the Cemetery Division of the Town of Sudbury and to ensure compliance with these rules and regulations as well as relevant statutes.
3. The oversight of the cemeteries of the Town of Sudbury shall be the responsibility of the Director of Public Works with the assignment of the general operations, including grounds and graves care and administrative functions to the Cemetery Division of the Department of Public Works.
4. The Cemetery Division under the direction of the Foreman shall be responsible for the enforcement of the rules and regulations affecting the property and grounds of the cemeteries, the rights of proprietors and the conduct of visitors therein. The Foreman shall provide the day to day supervision of the cemetery operations and perform administrative functions as assigned, serving as the designee of the Director of Public Works in stipulated cemetery matters.

V. SALE OF LOTS

1. The Director of Public Works shall from time to time designate which burial lots are available for sale in the several public cemeteries. No unprepared lots shall be available for sale.
2. The sale of lots shall be accomplished by the Director of Public Works, or his/her designee, who shall give to the owner a deed which shall be made and executed in a manner and form determined by the Town Manager. The owner will retain the original of the deed, one copy shall be retained by the Department of Public Works and one copied shall be given to the Sudbury Town Clerk.
3. At the time of such sale the Director of Public Works, or his/her designee, shall collect the purchase price of the lot and shall transmit the funds collected to the Town Treasurer. The Director of Public Works, or his/her designee, shall transmit a copy of the deed to the Town Clerk.
4. No lot shall be sold to any association, group, or organization or to any person other than those indicated herein.
5. The sale of lots shall be restricted to the following persons:

- a. residents and former residents of the Town of Sudbury, or
 - b. ~~A member of the family of a deceased resident, or a A person in his line of decent, where such deceased resident is or shall be interred in the cemetery in which the lot purchased is located.~~ a family member, by blood, marriage or adoption, of a resident or deceased resident, who is or shall be interred in a Town of Sudbury cemetery.
6. For the purpose of these regulations a lot shall be: for full interments – a four grave lot of one hundred and forty (140) square feet; for cremation only - a four grave cremation lot of thirty-five (35) square feet, more or less dependent upon the configuration of the lot.
 7. A maximum of a four-grave casket lot will be sold to eligible persons. Lot sales of greater capacity, or lots sold outside the conditions of V.5. above may be sold on a case by case basis as circumstances may warrant at the sole discretion of the Town Manager and Public Works Director.
 8. Lots shall be numbered on the plan of the Cemetery which shall be on file at the Department of Public Works and which may be inspected by any lot owner and/or his/her heirs at any reasonable time. A section of the cemeteries may be set aside for the burial of deceased under special requirements or circumstances.

VI. BURIAL

1. Lots shall not be used for any other purpose than as a place of burial for the human dead. Not interments shall be made in any lot, nor any work done on it until all permits are acquired, all charges have been paid and all necessary documents relative to the death and burial have been delivered to the Director of Public Works or his/her designee.
2. No burial lot shall be used for the interment of any person other than the owner thereof and members of his/her family.
3. The interment of any casket shall be made within a grave box or vault of a type approved by the Director of Public Works or his/her designee.
4. The interment of all cremations must be in a hard container, and the material of the container must be approved by the Director of Public Works or his/her designee.
5. Burials shall comply with all pertinent rules and regulations of the Board of Health and the Department of Health of the Commonwealth of Massachusetts.
6. All funerals on entering the Cemetery shall be under the charge of the Cemetery Division.
7. Once a casket containing a body is within the confines of the Cemetery, no funeral director nor his embalmer, assistant, employee or agent, shall per permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.

8. When an interment is to be made in a lot, the location of such interment shall be designated by the lot owner. Should the lot owner fail or neglect to make such designation, the Cemetery Division reserves the right to make the interment in a location of its design.
9. Employees of the Cemetery Division are the only persons who will be allowed to open graves with the following exceptions:
 - a. When the Cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Cemetery Division.
 - b. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the Cemetery Division his signed authorization to release the body to himself and his lawful agents. In such case, the disinterment must be made by the coroner or his lawful agents. The Cemetery employees will not be permitted to assist the coroner or his agent.
10. The Cemetery Division will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location of a plot, where the interment is desired.
11. The Cemetery Division will not be liable for the interment permit nor for the identity of the person sought to be interred.
12. Producing of the deed for the exclusive burial right in any lot or grave in any such cemetery shall be considered as authority for the opening of a grave. Any person ordering an interment will be held responsible for any and all expenses resulting from said order.
13. No interment will take place New Year's Day, Memorial Day, Fourth of July, Veteran's Day, Thanksgiving Day, or Christmas Day, unless required for public health, or in case of emergency as determined by the Director of Public Works or his/her designee, and contingent upon the availability of qualified regular employees.

VII. DISINTERMENT

1. No disinterment or removal shall be made on Saturdays, Sundays or holidays unless otherwise ordered by the Courts of the Commonwealth or the Attorney General.
2. No disinterment or removal shall be made without:
 - a. a signed order from the owner or representative of the lot or appropriate legal authority,
 - b. the consent of the Town Manager and the Director of Public Works or his/her designee, and
 - c. such other permits as are legally required.

If the disinterment or removal is ordered by the Courts of the Commonwealth of Massachusetts or the Attorney General, requirements a. through c. are waived.

VIII. MONUMENTS

1. One monument is allowed per lot. However, the Town Manager and the Director of Public Works on written application from the owner or representative of the lot may permit additional monuments.
2. No mausoleum or tomb shall be constructed within the bounds of the Cemetery except by the Board for the Town's exclusive operating use.
3. No monument shall exceed three feet in height or four feet in width. The type and location of monuments shall be approved by the Director of Public Works or his/her designee.
4. The monuments and grave markers shall be set on solid concrete foundations. The building of all such foundations shall be done by the cemetery employees. Orders for foundations must be signed by the owner or representative of the lot and must be received by the Cemetery Foreman at least ten days before the foundations are wanted. If the ground is frozen or unduly soft, the Cemetery Foreman shall have the authority to postpone the building of a foundation or the erection of a monument.
5. Workmen engaged in the erection of monuments and markers of any description shall be subject to the control of the Director of Public Works or his/her designee and any workmen failing to conform to this rule will not be allowed to continue work.
6. No monument or marker may be brought in to the cemeteries until an order showing a sketch of the design, material, finish, size and inscription thereon, signed by the owner or representative, is first submitted to the Director of Public Works or his/her designee for approval. Memorial work, including but not limited to removal, inscription, engraving and cleaning must also be authorized by the owner of the lot or his/her representative and approved by the Director of Public Works or his/her designee.

IX. PLANTINGS

1. The Director of Public Works or his/her designee retains control of every tree, shrub, plant or vine growing within the Cemetery, whether or not planted by the owner, including the removal or substitution of the same when such is considered advisable.
2. The planting of trees is not allowed within any public cemetery except such trees as may be planted by or at the direction of the Director of Public Works or his/her designee.
3. The planting of shrubs may be done only with the prior approval of the Director of Public Works or his/her designee. Shrubs shall not exceed the height of the monument.

4. The planting of flowers is limited to the ~~immediate~~ area **one foot** in front of the lot monument. ~~subject to the approval of the Superintendent.~~
5. **Plantings in need of maintenance and those which impede normal cemetery maintenance may be trimmed or removed by the Cemetery Staff. Any plantings that become detrimental to adjacent lots, roads or the general public, may be removed by Cemetery Staff, at the discretion of the Director of Public Works or his/her designee. Where practicable, written notice to the owner will be made before such removal takes place.**
6. The Director of Public Works or his/her designee may approve requests from the owners of lots for the establishment of plantings on their lots that are decorative in nature, provided such plantings are not in violation of the rules and regulation established by the Board of Health or the Department of Health of the Commonwealth of Massachusetts.

X. FEES

1. Graves and lots - The purchase price for the right to burial in graves and lots shall be determined and may from time to time be amended, by the Board of Selectmen. A schedule of such fees shall be filed with the Town Clerk **and attached to these rules and regulations.**
2. The Selectmen shall from time to time determine the portion of such purchase price which shall be used for the perpetual care of the lot; the remaining portion being used to reimburse the Town for the cost of the land, its care, improvement and embellishment, or the enlargement of its cemeteries.
3. Services - The Selectmen may set and from time to time amend fees for the opening and closing of graves, the use of lowering devices and artificial grass, and any **and all existing or** additional services which may be provided by the Town. A schedule of such fees shall be filed with the Town Clerk and attached to these rules and regulations.
4. **In the case of the decease of a poor and indigent person, a grave will be provided by the Town. The said deceased person at the time of death must meet the qualification requirements of MGL 117A, Section 9. The cost of burial services provided shall apply to poor and indigent persons.**
5. **A section of the cemeteries may be set aside for the burial of Veterans of the Town of Sudbury. Such graves shall be made available at no cost to the deceased Veteran. The provision of a grave for the spouse of the Veteran shall likewise be made available but at the then current sale price of such grave. The cost of burial services provided herein shall apply to both the Veteran's grave and grave of his/her spouse.**

XI. PERPETUAL CARE

1. The Director of Public Works, or his/her designee, shall pay over to the Treasurer all sums collected for gifts or bequests for the perpetual care and maintenance, preservation, improvement, or embellishment of any public or private burial grounds or place within the Town, which funds shall be kept separate and apart from all other funds of the Town.
2. The Treasurer shall invest all such funds in accordance with the stipulations, if any, accompanying them.

XII. OWNERSHIP/CONVEYANCE/ALIENATION OF BURIAL PLOTS

1. All lots shall be held indivisible.
2. The laws of the State of Massachusetts govern the descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. The Cemetery Division will assist any lot owner who needs information or advice on questions pertaining to his/her lot.
- ~~2. — The sale of developed land can be transacted between individual citizens of the Town for the amount of the original purchase price, subject to the provisions of Section XI. 4, hereunder provided the deed is properly recorded.~~
- ~~3. — Unused lots may be sold or conveyed to the Town of Sudbury, which, acting by and through the Selectmen or Superintendent ~~Director of Public Works~~, who are ~~is~~ hereby authorized to so act without further approval of the Town, shall repurchase such lot for the amount of the original purchase price.~~
- ~~4. — Upon any conveyance of a lot, the proprietor shall return his deed to the Superintendent, ~~Director of Public Works~~ who shall, in the case of a conveyance under paragraph 2 of this section, collect a one dollar recording fee and execute and deliver a new deed to the grantee of the lot.~~
3. No lot or grave in any public cemetery in Sudbury shall be sold to anyone who is not a resident or (former resident) of the Town of Sudbury at the time of such sale, and nobody shall be interred in such lot unless the deceased was at the time of his/her death, a resident of the Town of Sudbury, or the owner of such lot, or was related by blood, marriage or adoption to the owner of such lot, or a member of the immediate family of the owner of such lot. (Note: This restricts the sale of lots to residents of the Town (or former residents) at the time of purchase, but, once the lot has been purchased, there is no requirement that the owner remain a resident of the Town. A non-resident owner and members of the family can have the right of burial.)
4. No used lot or grave so conveyed by the Cemetery Division shall be re-conveyed by an owner thereof or the heirs, executors or administrator of said owner to any person or entity other than to a person related by blood, adoption or marriage to said owner or to the immediate family of said owner or the Town of Sudbury. If the unused lot or grave is re-conveyed to the Town of Sudbury, the owner or the heirs, executors or the administrator of said owner

shall be reimbursed by the amount equal to the original price paid for such grave. (Note: The ownership of graves that have been used for interments remains in the family, but it cannot be conveyed outside the family except to the Town of Sudbury.)

5. In the event that there are no claimants to an unused lot it will revert to the Town after 75 years and a reasonable effort by the Town to find claimants.

XIII. REPRESENTATIVE OF BURIAL PLOT

1. If upon the death of an owner two or more persons are entitled to the possession, care and control of the burial lot, the Town Clerk shall notify said persons of their obligation to designate in writing which of their number shall represent the lot.
2. In default of the designation of a representative, and after sixty days from the mailing of the Town Clerk's notice, the Town Clerk shall notify the Board of Health of the default.
3. The Board of Health shall, within sixty days of notice to it and after a hearing as provided by Section 30 of Chapter 114 of the General Laws, designate who shall represent the lot during such default.

XIV. GENERAL REGULATIONS

1. Behavior unbefitting the sanctity of a cemetery shall be prohibited.
2. No person shall cause water to drain, flow, or be diverted from private or public property onto, over, under, or across any public or private burial ground within the Town without the written consent of the Board of Selectmen, Board of Health and the Department of Health of the Commonwealth of Massachusetts.
3. No person shall harm, injure, mark, tamper with, or destroy any marker, headstone, monument, tomb, or other structure or anything of any kind or description, located in a public or private cemetery or burial place in the Town.
4. ~~The superintendent may approve requests from the owners of lots for the establishment of plantings on their lots that are decorative in nature, provided such plantings are not in violation of the rules and regulation established by the Board of Health or the Department of Health of the Commonwealth of Massachusetts.~~
4. No person shall deposit or leave any rubbish or refuse of any kind or description within a public cemetery place.
5. Permission for gravestone rubbing must be obtained from the Director of Public Works or his/her designee
6. Dogs are allowed in the cemeteries IF they are on leash at all times, remain on walkways, and owners clean up after their dogs. Violators will be punished to the extent provided by law.

XV. ENFORCEMENT

The Director of Public Works, his/her designees, and all law enforcement officers shall enforce these rules and regulations and subsequent additions thereto through appropriate legal procedures and proceedings.

ADDITIONAL REGULATIONS

XVI. POLICIES AND PROCEDURES

The Town Manager and the Director of Public Works may make such additional rules and regulations establish policies and procedures, not inconsistent with law or these rules and regulations, as it may deem be necessary and appropriate for the proper administration and protection of the duties and responsibilities entrusted to it without further submission to the Town Meeting for approval. Such additional rules and regulations shall be filed with the town Clerk them.

The Director of Public Works, or his/her designee, is authorized to make temporary additional policies and procedures, which may be needed from time to time to meet emergencies, which are not covered by these rules and regulations or existing policies and procedures. This action is to be invoked only to insure that order is maintained and to protect and promote the best interest of the cemetery.

XVII. HARDSHIP

~~In any case where the strict enforcement of any rules or regulations would, in the opinion of the Selectmen, create a hardship, injustice, or unforeseen result, the Selectmen may suspend or alter the application of such rule or regulation, in that case.~~ Upon receipt by the Town Manager or Director of Public Works or his/her designee, of a written request from a family member or caregiver for consideration that the strict enforcement of these rules and regulations will create an undue hardship, injustice or unforeseen result, the Town Manager and Director of Public Works will recommend whether or not the Board of Selectmen should suspend or alter the application of such rule or regulation in the specific case. The form of the written request and the process for evaluating it are shall be filed with the Town Clerk and attached to these rules and regulations.

XVII. PARTIAL INVALIDITY

If any provision of these rules and regulations is for any reason declared to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of these rules and regulations.

XIX. CORRECTIONS OF ERRORS/LIABILITY

Description of lots will be in accordance with the cemetery plots which are kept on file by the Town. It is the duty of the lot owner to notify the Director of Public Works or his/her designee of any changes in his/her mailing address.

The Cemetery reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting any conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the Cemetery Division, or in the sole discretion of the Cemetery Division, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

The Town of Sudbury is not responsible for any mistake occurring due to the lack of adequate information regarding the particular space, size, and location in a lot where an interment or disinterment is ordered.

The Town of Sudbury is not liable for equipment failures or other conditions beyond its control.

The Town of Sudbury is not responsible for items lost or stolen from grave lots or for damage to plantings caused by maintenance, plowing or the opening of graves.

Request for consideration of a Hardship Waiver of Some or All of Fees and Charges

The Board of Selectmen realize that from time to time there may be residents who require a waiver of some or all of the fees and charges connected with interment in one of Sudbury's cemeteries.

In order to make such an approval, the Board requires certain information to be provided to the Town Manager. Please read all of the information provided below, sign the form at the bottom, and initial where indicated.

A. Location of burial plot in cemetery. The Town has reserved a section of the New Town Cemetery for interments made under a hardship waiver basis. The applicant understands that if this application is approved, this is where the burial plot will be located. The title to the lot will be held by the Town of Sudbury.

_____ (please initial understanding and agreement with this provision).

B. Markers. The Town will provide a small marker 2'x1' free of charge. If in the future, the family of the deceased wishes to install a monument, different marker or other permanent memorial, the following rules will apply:

- i. The family must purchase the lot from the Town for the price of a plot in affect at the time of the interment.
- ii. Town must be repaid the cost of all fees and charges that were waived.
- iii. The size and design of the monument will be limited to the following dimensions: 2' high and 2.5' wide.

_____ (please initial understanding and agreement with this provision).

C. Time of Burial. The Director of the Public Works Department reserves the right to approve the timing of the burial.

D. Financial Situation. The Town Manager will ask the Town Social Worker, to verify the financial hardship need. The family will work with the Town Social Worker to produce whatever documentation she requests to make this determination.

Name of deceased individual _____

Name of person requesting a hardship waiver _____

Chapter 117A, Sections 9 and 10 are applicable to such situations.

Section 9: The department shall provide for the decent burial of all deceased persons who are at the time of death recipients of aid or assistance under this chapter, all deceased persons who, although without means of support at the time of death, did not apply for such aid or assistance, and all unknown persons found dead. It shall also provide for the grave of each such deceased person a suitable marker bearing the name and date of birth and death of such deceased person, if known, and for the opening of such grave. The expense thereof may be recovered of their kindred, if any, chargeable by law for their support in the manner provided in this chapter; and if the expense of their funeral and burial is not paid by such kindred, an amount not exceeding eleven hundred dollars; provided, however that the total expense of the funeral and burial does not exceed fifteen hundred dollars; and provided, further, that any payment made by the department shall be reduced by whatever resources may exist in the estate of said person.

Section 10: In case of the decease of a poor and indigent person the commonwealth shall pay for the expense of the funeral and burial of such person a sum not exceeding eleven hundred dollars; provided, however, that the total expense of the funeral and burial does not exceed fifteen hundred dollars; and provided, further, that any payment made by the department shall be reduced by whatever resources may exist in the estate of said person. The funeral director engaged in conducting the funeral and burial of said deceased person shall perform the services and furnish the materials in connection therewith as follows: - removal of body; procuring of death certificate and burial permit; embalming and dressing of body; furnishing suitable burial garment; furnishing suitable casket, bearing metal plate with name of deceased engraved thereon; furnishing outer case of pine wood; furnishing hearse for transporting body of the deceased to a cemetery; furnishing conveyance for transporting to such cemetery the immediate family of the deceased; procuring of a clergyman, of the religion that the deceased professed, to officiate at the funeral; procuring a burial place for the body of the deceased; opening the grave, and obtaining the use of interment devices.